

Director, Employment Policy and Systems  
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## SUBMISSION TO PLANNING FOR THE FUTURE OF RETAIL

Liverpool City Council appreciates the opportunity to comment on *Planning for the Future of Retail* discussion paper and the proposed amendments to retail land use definitions in the Standard Instrument Local Environmental Plan (SILEP). The retail sector is rapidly evolving, particularly through technological advancement. It is understood that the discussion paper and changes to the SILEP seek to respond to these changes. Council is generally supportive of the proposed changes, however holds some concerns about how the changes will be implemented.

### Planning for the Future of Retail discussion paper

The Department's discussion paper outlines the broad framework for the proposed NSW Retail Strategy. A consistent and uniform approach to land use planning to facilitate retail development across the state is supported, but it must be undertaken in consideration with other state-level land use planning directions, such as those relating to housing and industrial development, so as to not create conflicting priorities in land use.

While the intent of a proposed 'Innovation in Retail' clause is to increase flexibility for evolving retail uses, the clause may burden the local assessment authority by having to consider development proposals that would otherwise be inappropriate and prohibited in certain areas and zones. The resultant development would undermine orderly planning for the local area. Further clarification is required as to whether "*undefined uses*" are intended to describe uses not specified in the SILEP dictionary or all uses not listed as permissible in the respective zone. In light of the above, an 'Innovation in Retail' clause is not supported by Council.

The need to provide appropriate infrastructure to accommodate new retail centres is established in the discussion paper, which suggests funding through development contributions as a means to deliver this infrastructure. It must be recognised that sites suitable for retail centres are generally on State-managed arterial roads and/or transit corridors, therefore funding mechanisms must also consider the ability for the State Government to provide required infrastructure upgrades and not simply further burden councils.

### Amendments to land use definitions in the SILEP

It is understood that the amendments to land use definitions in the SILEP seek to respond to immediate impediments to retail development in the planning framework as a priority while the NSW Retail Strategy is being developed. These amendments will unlikely impact on development in the Liverpool LGA in the short term, as the uses may already be considered under the local environmental planning instrument. Nevertheless, the implementation of these amendments should be incorporated into the NSW Retail Strategy in order to assess how the changes will

function within the new framework, especially taking into account the Independent Retail Expert Advisory Committee's recommendation for a holistic approach to retail reforms in NSW.

Regardless of the timing, there is no justification as to why the land use definition amendments only apply to the SILEP and not the SEPPs, given that retailing constraints addressed by the amendments also exist on land governed by the SEPPs. Excluding the SEPPs will create anomalies across the state and cause confusion.

Although the new definitions aim to reduce ambiguity, there is still uncertainty in their application for the assessment of development. In their current form, the terminology used in the definitions may facilitate development that would otherwise be prohibited in a zone. For example, the use of the words "local" and "large" in definitions can be interpreted subjectively and parameters should be set for clarification. Furthermore, no justification is provided as to why the sale of food, clothing, and footwear is permissible if associated with a listed category, but prohibited if not. This reference in the definition should either be removed or clearly state that the sale of these items must be **ancillary** to the main use to reduce misuse of the definition.

#### Conclusion

Overall, Council supports the framework provided in the *Planning for the Future of Retail* discussion paper that responds to the evolving retail sector and aligns the proposed NSW Retail Strategy, local strategic planning statements, and local environmental plans. Nevertheless, to ensure the proposed NSW Retail Strategy is more robust, the following recommendations are made:

- The proposed NSW Retail Strategy must consider other potential state-level land use strategies to form a unified direction for land use planning;
- The 'Innovation in Retail' clause should be removed;
- Required upgrades to State-managed infrastructure resulting from retail centre developments must be considered, with appropriate funding mechanisms through the respective State agencies;
- Amendments to the SILEP land use definitions should be incorporated into the NSW Retail Strategy, rather than implemented in isolation;
- Changes to the SILEP land use definitions must also be reflected in the relevant SEPPs; and
- Subjective terminology in the amended SILEP land use definitions should be clarified to reduce ambiguity.

Should you require further clarification on Council's submission, please contact Louis Chen, Strategic Planner on (02) 8711 7630.

Sincerely



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